

SUBLETTE CUT-OFF MASSACRE.

[To accompany Bill H. R. No. 127.]

APRIL 2, 1860.

Mr. SCOTT, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred House bill (No. 127) for the relief of the survivors of the "Sublette Cut-off massacre," and for the payment of certain persons for expenses incurred by them in sending the destitute widows and orphans to their homes in the State of Missouri, having had the same under consideration, beg leave to make the following report:

From the testimony adduced, it appears that on the morning of the 24th of July, 1859, a party of emigrants from Howard county, Missouri, were on their way to California, and whilst passing through a cañon seven miles west of "Soda Spring," Utah Territory, they were attacked and unmercifully butchered by the Utah Indians. Men, women, and children shared the same fate. Their horses and mules were driven off, wagons plundered, their clothing, bedding, and provisions were all taken, &c.

Your committee would, therefore, report that the herein named parties be allowed the following amounts: To Anne B. Shepherd, widow of W. F. Shepherd, deceased, two thousand one hundred and fifty-two dollars; to Rebecca Wright, widow of J. D. Wright, deceased, one thousand two hundred and one dollars; to Marietta Shepherd, widow of T. F. Shepherd, deceased, two thousand two hundred and two dollars; to James R. Shepherd one thousand five hundred and sixty-one dollars; to William C. Diggs one hundred and forty-three dollars; to Claiborne Raines sixty-two dollars; to Pacific Mail Steamship Company four hundred and twelve dollars, and to Frederick Dodge six hundred and fourteen dollars and thirty-eight cents.

Your committee, therefore, report the accompanying bill.

The undersigned are willing to concur in reporting the bill, but they deem it proper to state that they do so because of the peculiar horrors and enormities which attended the massacre, and the pitiable and deplorable condition to which the survivors were reduced in con-

sequence of it. In consenting that this bill may be reported, they protest against it as a precedent, and are unwilling to be regarded as concurring in that which may be hereafter regarded as fixing the liability of the government for all depredations which may be committed by Indians upon persons and property.

EMERSON ETHERIDGE.

D. C. LEACH.

CYRUS ALDRICH.

THOMAS M. EDWARDS.

MINORITY REPORT.

Mr. REAGAN, from the minority of the Committee on Indian Affairs, submitted the following views:

The undersigned, a minority of the Committee on Indian Affairs, to whom was referred House Bill, No. 127, "for the relief of the survivors of the Sublette Cut-off massacre," begs leave to submit the following report and accompanying bill as a substitute for the bill reported by the majority of said committee:

There is proof before the committee showing that a number of persons, on their way from the State of Missouri to the State of California, were attacked by the Utah Indians, and a portion of them killed, and all their property taken from them, and the survivors left in a most destitute and deplorable condition.

There is some proof as to the value of the property lost, and the proof may be as full as could be expected in such a case, where we must, from the necessities of the case, rely mainly on the testimony of interested parties for a knowledge of the value of the property lost.

We also have the statement of Frederick Dodge, Indian agent at Carson's Valley, Utah Territory, showing that O. F. D. Fairbanks was entitled to two hundred and fifty dollars for transportation and board of the survivors of this massacre from the scene of disaster to Carson's Valley, and that there was due himself, for bills paid by him for transportation, clothing, and board of said survivors, six hundred and fourteen dollars and thirty-eight cents; and that there is due the Pacific Mail Steamship Company, for passage of the widows and four children, (the survivors of this massacre,) from San Francisco to New York, four hundred and twelve dollars and fifty cents.

These three items are supported by the unsworn statement of Mr. Dodge, the Indian agent, and corroborated to a greater or less extent by the other facts in the case. And while I doubt the propriety of adopting a rule of allowing such claims on such proof, from the character of Mr. Dodge as a government official, and the corroboration of his statements by the other known facts of the case, I recommend the passage of the accompanying bill for the payment of these amounts.

There was no legal obligation on either of these parties to incur these expenditures. But the instincts of humanity required them to be incurred, and the persons voluntarily incurring them are entitled to our gratitude for their generous conduct, and should be promptly reimbursed for all necessary expenditures in relieving the unfortunate sufferers who survived this shocking massacre.

The remaining amounts provided for in the bill reported by the majority of the committee, amounting to seven thousand three hundred and twenty dollars and seventy cents, are for the reimbursement of

the survivors and heirs of those who sustained losses by the Indians by this massacre and robbery.

It is not an application under the Indian intercourse act, and involves the principle of reimbursing citizens for losses sustained by the act of a public enemy. Understanding that it is against the policy of the government to allow and pay such claims, I am induced to report against the allowance of these claims. I must at the same time say that no stronger case could probably be presented to Congress for the application of this principle, if relief is to be given in such cases. But if we allow this indemnity to persons who voluntarily risked their lives and property by attempting to cross the great plains, through the Indian country, it would be difficult to say why we should not indemnify our citizens who, remaining at their homes, are invaded and murdered and robbed by the Indians. And such cases are of almost daily occurrence in the States and Territories bordering on our Indian frontiers. If we give indemnity in one case, justice and common right requires that it should be given in all other similar cases. And if this rule is to be adopted, it becomes us to consider the amount of such claims for which the government would become liable, and how we are to obtain the money for their satisfaction.

JOHN H. REAGAN.